

### Remarks

Entry of this amendment and allowance of all pending claims are respectfully requested. Claims 1, 2, 6-8, 10, 11, 15-18, 20-22 & 26-28 remain pending.

By this paper, independent claims 1, 7, 10, 16, 17, 20, 21 & 27 are amended and dependent claims 3-5, 9, 12-14, 19, 23-25 & 29 are canceled without prejudice to more clearly point out and distinctly claim certain aspects of the present invention. These claim amendments and cancellations are submitted in a *bona fide* attempt to further prosecution of this application. Support for the amended language can be found throughout the application as filed. For example, reference paragraphs [0011], [0018] – [0035], [0040] & [0041] of the specification, as well as FIGS. 1-4 and the subject matter of the canceled dependent claims. No new matter is added to the application by any amendment presented.

Withdrawal of the claim objection is rejected. In amended claims 7, 17 & 27 presented herewith, the Examiner's suggestion is adopted.

Substantively, original claims 1-5, 7-14, 16-25 & 27-29 were rejected under 35 U.S.C. §102(b) as being anticipated by Ma et al. (U.S. Patent No. 5,995,500; hereinafter "Ma"), while claims 6, 15 & 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ma in view of Dehlin (U.S. Patent Application Publication No. 2004/0203942 A1; hereinafter "Dehlin"). These rejections are respectfully, but most strenuously, traversed to any extent deemed applicable to the claims presented herewith, and reconsideration thereof is requested.

As recited in amended claim 1, for example, Applicant's invention is directed to a particular process for establishing instant messaging communication between wireless devices. This process includes:

connecting a first wireless device to an instant messaging server;

transmitting device address and access code information of the first wireless device from the first wireless device to the instant messaging server;

*requesting by the first wireless device a list of active wireless devices from the instant messaging server;*

*transferring from the instant messaging server to the first wireless device the list of active wireless devices;*

*employing by the first wireless device the list of active wireless devices to identify at the first device at least one additional wireless device belonging to a same piconet as the first wireless device; and*

*responsive to the employing, establishing by the first wireless device direct instant messaging communication between the first wireless device and a second wireless device without further employing the instant messaging server, wherein the second wireless device is one device of the at least one additional wireless devices belonging to the same piconet, and wherein the direct instant messaging between the first wireless device and the second wireless device is direct wireless communication therebetween.*

Applicant respectfully submits that various aspects of this process as recited in amended claim 1 make Applicant's recited invention clearly distinct from the teachings and suggestions of Ma and Dehlin, taken alone, or in combination.

It is well settled that there is no anticipation of a claim unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; and (4) in order to perform the identical function as the claimed invention. In this instance, Ma fails to disclose various aspects of Applicant's invention as recited in the amended independent claims presented herewith, and as a result, does not anticipate (or even render obvious) Applicant's invention.

Ma discloses a communications system wherein communication throughput is increased by allowing direct duplex communication between mobile stations that are within close proximity of each other. The system and method determine the range of the mobile stations from each other. Based on this range, the communication units may communicate with each other in one of either direct mode or indirect mode. If an in-range condition is determined, the mobile

stations engage in direct duplex communication with each other. Otherwise, they communicate with each other in the indirect mode. (See Abstract of Ma.)

More particularly, Ma describes a process in a TDMA communication system that allocates TDMA time slots over one or more RF channels for engaging two mobile stations in direct duplex communication based on their position relative to each other. The communication system includes a mobile switching center (MSC) that based on an in-range condition, allocates time slots during which the mobile stations communicate with each other in either a direct mode or an indirect mode. In an FDD implementation of the Ma approach, the in-range condition is indicated based on whether the mobile stations are in the same cell or not. If a calling and a called mobile station are in the same cell, then the mobile switching center allocates the time slots in a way that the mobile stations can communicate directly with each other. (See column 3, lines 9-33 of Ma.)

Initially, Applicant notes that Ma does not teach the particular process for establishing instant messaging communication recited in the independent claims presented herewith. For example, Applicant recites requesting by the first wireless device *a list of active wireless devices* from the instant messaging server, and then transferring from the instant messaging server this list of all active devices. A careful reading of Ma fails to uncover any teaching or suggestion that such a list is requested by one of the wireless devices, or that it is transferred from the mobile switching center (or other central server) to a requesting wireless device. For at least this reason, reconsideration and withdrawal of the anticipation rejection is respectfully requested.

In addition, Applicant recites in the amended independent claims *employing by the first wireless device the list of active wireless devices to identify at the first wireless device at least one additional wireless device belonging to a same piconet as the first wireless device*. Since no such list of active devices is requested or transferred to a wireless device in Ma, it follows that there can be no identification at the first wireless device itself of one or more additional wireless devices belonging to a same piconet using such a list. For this additional reason, reconsideration and withdrawal of the anticipation rejection to the claims presented is requested.

Still further, Applicant recites in his independent claims that the first wireless device establishes the direct instant messaging communication between the first wireless device and the second wireless device without further employing the instant messaging server. This is clearly in contrast to the teachings of Ma wherein the mobile switching center allocates time slots during which the mobile stations communicate with each other in direct mode. Thus, in Ma, the mobile switching center retains a central function in the establishing of the direct wireless communication. In contrast, after the list of all active wireless devices is forwarded to the first wireless device in Applicant's process, the instant messaging server is not further employed to establish the direct instant messaging communication between the first wireless device and the second wireless device. This advantageously relieves function from the instant messaging server (which is in contrast with the centralized approach of Ma), and further, allows new functionality to be added to a wireless communication system without requiring upgrading of the infrastructure in the instant messaging servers (which again is contrasted with the teachings of Ma wherein the mobile switching centers would need to be upgraded with functionality as taught therein).

In accordance with Applicant's invention, additional facility is provided in the wireless devices themselves which allow for the retrieval of the list of active wireless devices from the instant messaging server, and then the identification from that list of one or more wireless devices belonging to a same piconet, and the direct establishing without further employing the instant messaging server of instant messaging communication between the first wireless device and the second wireless device.

For at least the above reasons, Applicant respectfully submits that the independent claims presented herewith patentably distinguish over the teachings of Ma. Reconsideration and withdrawal of the anticipation rejection based thereon is therefore respectfully requested.

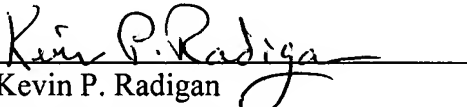
The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations. Regarding the art cited in connection with dependent claims 6, 15 & 26, Applicant notes that Dehlin does not teach any of the above-noted deficiencies of Ma when applied against the independent claims presented.

The Office Action acknowledges that Ma does not disclose employing the Jabber instant messaging protocol or the Bluetooth standard for wireless communication in making a direct instant messaging connection between the first wireless device and the second wireless device. The Office Action cites Dehlin for a teaching of these concepts. Without acquiescing to this characterization of the teachings of Dehlin, it is respectfully submitted that Dehlin fails to disclose the above-noted deficiencies of Ma when applied against the independent claims presented.

All claims are believed to be in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

  
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